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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------------|------------------|
| 10/510,456 | 10/04/2004 | Andre Leguen | GLN-050US | 2294 |
| 34617 7590 03/23/2007 HUGH R. KRESS; BROWNING BUSHMAN, P.C. 5718 WESTHEIMER SUITE 1800 HOUSTON, TX 77057 | | | EXAMINER WHITE, RODNEY BARNETT | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3636 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 03/23/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/510,456 | Applicant(s) LEGUEN ET AL. | |
| | Examiner Rodney B. White | Art Unit 3636 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,11,14-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) 3,4,12,13 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's arguments, see the amendment, filed 12/08/2006, with respect to the rejection(s) of claim(s) 1-9 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, and because the original Examiner, Stephen Vu, is no longer with the Patent office and the case has been transferred to the docket of another Examiner, a new ground(s) of rejection is made in view of prior art discovered in an updated search.

Specification

The disclosure is objected to because of the following informalities: On page 7, line 14, - -a - - should be inserted in front of the word "cattle". On that same line "forwards" should be changed to - - forward - -. It appears the substitute specification is filled with grammatical and typographical errors. Perhaps these mistakes are a result from the specification being translated from a foreign language, specifically French. Some of these errors occur in the Claims as well, as will be noted in the rejections below. However, Applicant needs to read through the specification to search for other such mistakes and correct them.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-7, 10, 14-17, and 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, line 4, "the two teeth" lacks antecedent basis. Also, why would Applicant refer to the structure labeled by reference number 28 as "teeth"? Also, on line 4, "forwards" should be -- forward --.

In claim 10, line 3, "forwards and upwards" should be -- forward and upward --.

In claim 17, line 3, "forwards and upwards" should be -- forward and upward --.

In claim 19, line 3, "forwards and upwards" should be -- forward and upward --.

In claim 20, line 3, "forwards and upwards" should be -- forward and upward --.

The aforementioned problem renders the claims vague and indefinite.

Clarification and/or correction is required

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 8-9, 11, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenwald (U.S. Patent No. 6,123,390).

Greenwald teaches a seating module for a chair, characterized in that it includes: a structural framework (not labeled) provided with a pommel element **26**, a frame (not labeled) arranged above the structural framework and provided with a cantle element **20** (see column 2, lines 53-55), said structural framework and said frame having planar symmetry, means for connecting the frame to the structural framework, including a joint **30** which allows the frame to tilt in relation to the structural framework (see Fig. 6 and specification), about an axis perpendicular to the plane of symmetry, and a seat **12** connecting the frame to the pommel element (**26**) and formed of an elastic membrane (the padding) whose function is to define a rest position of the frame in relation to the structural framework and to return it to this position when a user tilts it in one direction or another, characterized in that in the rest position, the frame is inclined forwards by an angle of approximately 10° in relation to the ground, characterized in that said membrane is covered with a

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padding member forming a cushion (see column 2, lines 55-58), characterized in that said padding member includes a longitudinal groove for forming a space to receive the user's coccyx.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwald in view of Opsvik et al (U.S. Patent No. 5,255,957)

Greenwald teaches the structure substantially as claimed including a support (28) in contact with the ground and a seating module but does not teach that the support includes an arm extending forwards and upwards and carrying a transverse bar forming a support for the user's knees. However Opsvik et al teach said support includes an arm extending forwards and upwards and carrying a transverse bar forming a support for the user's knees.

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Claims 5-7, 14-16, and 19-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 3-4, 12-13, and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Congleton teaches structures and concepts similar to the present invention.

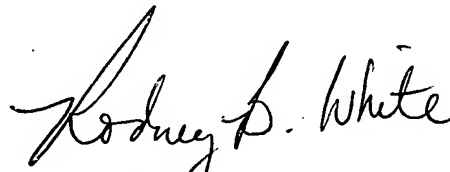
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,
Patent Examiner
Art Unit 3636
March 13, 2007



RODNEY B. WHITE
PRIMARY EXAMINER